

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF Klamath

FILED

12-15-06

Circuit Court Clerk Date
By [Signature] DEPUTY
STATE OF OREGON,

Plaintiff,

Case No. 066 2795 CR

Citation No. _____

v.

Hopkins, Larry M.
Defendant,

PETITION TO PLEAD GUILTY / NO CONTEST /
CONDITIONAL GUILTY PLEA

I am the defendant in this case, and my initials and signature below indicate that I have read or have had read to me, understand, and affirm all of the following:

1. My full true name is Larry M. Hopkins, but I also am known as _____.
2. I am 57 years old. I have gone to school through 12th. Within the past 2 days, I ☐ (have taken) ☒ (have not taken) alcohol, medication, or a drug (whether prescribed for me, over-the-counter, or illegal) that could affect my ability to make decisions. My ability to make decisions is not affected by injury, illness, or disability.
3. ☒ My lawyer's name is William Gaudy. ☐ I choose not to have a lawyer (see *Waiver of Counsel*).
4. I have told my lawyer everything I know about the charge(s) against me. My lawyer has talked with me about the charge(s), possible defenses, and legal challenges I may have in this case. ☒ I am satisfied with the advice and help my lawyer gave me.

5. I know I have the following rights at trial: (1) to have a jury trial or, if I choose not to have a jury trial, the right to have a trial by a judge; (2) to see, hear, and question all people who testify against me; (3) to remain silent about all facts of the case; (4) to call witnesses and enter evidence; (5) to testify; (6) to have the jury told, if I do not testify, that it cannot hold that decision against me; and (7) to require the district attorney to prove my guilt and all sentence enhancement facts to a jury or court beyond a reasonable doubt.

6. I understand that I give up all of the rights listed in paragraph #5 above when I plead either "Guilty" or "No Contest." I understand that I also give up: (1) any defenses I may have to the charge(s); (2) objections to the consideration of evidence concerning my guilt; and (3) challenges to the accusatory instrument.

7. I understand that a plea of "Guilty" or "No Contest" will result in a final conviction for the charge(s) listed in paragraph #8 below. I understand that if I plead "Guilty" or "No Contest," the judge may impose the same punishment as if I pleaded "Not Guilty," had a trial, and was convicted. *I understand that I have a right to trial instead of pleading guilty/no contest.*

8. I want to plead:

☒ Guilty ☐ No Contest
Count # 1: Criminal Impersonation, ☐ Violation / ☐ Misdemeanor / ☒ Felony, Grid Block: 3E
Presumptive Sentence: 120 S.J. 3, Post-Prison Supervision: _____, Maximum Sentence: 5 yrs,
Maximum Fine: 100,000, Minimum Sentence: _____, Mandatory Fine: _____

☒ Guilty ☐ No Contest
Count # 2: Fel in Poss, ☐ Violation / ☐ Misdemeanor / ☒ Felony, Grid Block: 6E
Presumptive Sentence: 10 months, Post-Prison Supervision: _____, Maximum Sentence: 3 yrs,
Maximum Fine: 100,000, Minimum Sentence: _____, Mandatory Fine: _____

☐ Guilty ☐ No Contest
Count # _____, ☐ Violation / ☐ Misdemeanor / ☐ Felony, Grid Block: _____,
Presumptive Sentence: _____, Post-Prison Supervision: _____, Maximum Sentence: _____,
Maximum Fine: _____, Minimum Sentence: _____, Mandatory Fine: _____

☐ See attached sheet for additional counts.

Initials: [Signature]



If there are multiple charges or I am already serving a sentence, I understand that the judge may order me to serve the sentences at the same time (concurrently) or one after the other (consecutively) unless prohibited by ORS 137.123(5).

9. I agree that my criminal history is accurately reflected on the attached sheet provided by the district attorney. I have noted any convictions with which I disagree on that form. I understand that the judge may use this information to determine and/or enhance my sentence.

10. I understand that, in addition to other fines, the judge may order me to pay ☐ restitution or a ☐ compensatory fine to the victim ☐ totaling \$ N/A, or ☐ an amount to be determined by the judge.

11. I understand that any sentence imposed in this case can be added to any other prison or jail sentence that I have not finished serving.

12. ☐ I understand that the conviction(s) for these charges will result in special sentencing provisions marked on Attachment #1.

13. In addition to the sentence imposed, I understand that there may be other significant consequences if I enter a "Guilty" or "No Contest" plea, including, but not limited to:

- ☐ Deportation/removal, exclusion from future entry into the United States, or denial of naturalization, if I am not a United States citizen;
- ☐ Revocation of my probation or parole, which may require me to serve any sentence(s) imposed or executed in any such case(s) consecutively to the sentence that is imposed in this case;
- ☒ Loss of my right to buy, sell, transport, receive or possess a firearm or ammunition in both personal and professional endeavors;
- ☐ Forfeiture of any firearm or deadly weapon that was possessed, used, or available for use during the crime;
- ☐ Registration and reporting as a sex offender;
- ☒ Providing a DNA sample;
- ☐ Suspension, revocation, or permanent loss of my driving privileges (see Attachment #1);
- ☐ Test for HIV or other communicable diseases.

14. Other than what is contained in this plea petition, I affirm that no one has promised me anything to enter my plea of "Guilty" or "No Contest." I also affirm that no one has threatened me or forced me to enter this plea.

15. ☒ I understand that the district attorney agrees to make the following recommendation to the court about my sentence and/or other pending charges: as negotiated

I understand that the court is not bound by any plea agreement I have made with the district attorney unless made pursuant to ORS 135.432(2) (court approved plea agreement). This recommendation ☐ (is) ☐ (is not) made pursuant to ORS 135.432(2). This recommendation ☐ (is) ☐ (is not) made pursuant to ORS 135.405(5) (early disposition program). I understand that if this agreement includes recommendations to be made at sentencing, these recommendations may depend upon my true criminal history. I understand that the district attorney will not be bound by this agreement if I willfully fail to appear for sentencing. ***I acknowledge that everything that has been agreed to is included in this document.***

Initials AKH

16. ☐ I understand that I may be asked to relate the circumstances surrounding the criminal activity that is the subject of this plea to a pre-sentence investigation writer.

17. ☒ I PLEAD "GUILTY" because in Klamath County, Oregon, I did the following: on 11/5/06 I gave the impression to others that I was a peace officer and I was in possession of a firearm having been previously convicted of a felony

18. ☐ I PLEAD "NO CONTEST" because I understand that a jury or judge could find me guilty of the charge(s). I prefer to accept the plea offer or plead to the charge.

19. ☐ I am entering a **CONDITIONAL PLEA** pursuant to ORS 135.335(3) and reserve for appeal the following pretrial rulings: _____

20. **APPEAL RIGHTS:** Unless this is a conditional plea, I understand the right to appeal my conviction is limited and that I may appeal only if I can make a colorable showing that the sentence exceeds the maximum allowed by law or is unconstitutionally cruel and unusual. If I am financially eligible for court appointed counsel, I may apply to the court to appoint an attorney to represent me on appeal, to request a transcript of this proceeding, and to have my trial attorney give the Office of Public Defense Services the information necessary to pursue my appeal. I know that I must serve and file the notice of appeal not later than **30 days** after the judgment of conviction is entered in the register, and I may ask my attorney to help me do this. Copies of the notice of appeal must be served on the district attorney, the trial court transcript coordinator (if a transcript is required), and the clerk of the trial court. The original notice and proof of its service must be filed with the clerk of the court to which I am appealing.

21. ☐ I agree that if a court later vacates or sets aside my plea of "Guilty" or "No Contest" in this case, the court will reinstate any charge(s) that were dismissed in return for my plea and the district attorney no longer will be bound by any promises made to me in exchange for my plea.

22. I am signing this plea petition and entering this plea voluntarily, intelligently, and knowingly with full understanding of all matters set forth in the charging instrument and in this petition.

23. I declare that:

☒ I can read, speak, and understand English.

☐ This form was read to me by (print name): _____

Date

Reader's Signature

☐ This form was sight translated to me by (print name): _____

Date

Translator's Signature

12-15-06
Date

[Signature]
Defendant's Signature

Street Address

City

State

Zip

CERTIFICATE OF COUNSEL

I am the attorney for the defendant in this proceeding and I certify that:

1. I have fully explained to my client the named offenses and lesser-included offenses contained in the charging instrument, and the possible defenses that may apply in this case.
2. I have personally examined the attached *Petition to Plead Guilty/No Contest*, explained all its provisions to my client, and discussed fully with my client all matters described and referred to in the petition.
3. I have explained to my client the maximum penalty and other consequences of entering a guilty or no contest plea, including possible immigration consequences.
4. To the best of my knowledge and belief, my client's decision to enter this plea is made voluntarily, intelligently, and knowingly.
5. I have told my client that if he or she is eligible for court-appointed counsel and wishes to pursue an appeal, I will transmit the information necessary to perfect the appeal to the Office of Public Defense Services.

12/15/06
Date

Will Gandy
Attorney's Signature

02579
OSB No.

Case No. 066 279508

FINDINGS

The court makes the following findings regarding the defendant's plea of Ct2 ☒ Guilty Ct1 ☐ No Contest:

☒ Defendant's plea is made voluntarily, intelligently, and knowingly.

☐ Other: _____

ORDER

DEFENDANT'S PLEA PETITION IS HEREBY ACCEPTED.

Date

Will Gandy
Circuit Court Judge

Print, Type, or Stamp Name of Judge